

### **Remarks and Arguments**

Applicant has carefully considered the Office Action dated June 5, 2006 and the references cited therein. Applicant respectfully requests reexamination and reconsideration of the application.

The Examiner has rejected claims 1-5, 7-21 and 23-27 under 35 U.S.C. 103(a) as being unpatentable over Sass et al., U.S. Patent No. 6,769,028, hereafter Sass, already of record, and De Boor et al., U.S. Patent No. 6,317,781, hereafter De Boor, newly cited. Applicant and their attorneys wish to thank the Examiner for providing a reference, in addition to Sass, to support the above rejection. In setting forth the rejection, the Examiner admits that Sass fails to teach displaying on the graphic user interface a command option associated with feedback options. Instead, the Examiner is relying on De Boor, stating that De Boor teaches a graphical user interface wherein the interface displays the command options associated with a particular function button, and, that it would have been obvious to one of ordinary skill in the art to combine the function messages of De Boor to display the evaluation functions of Sass. The Examiner further states that one would be motivated to make such a combination for the advantage of allowing a user to know exactly what will occur upon pressing a button or actuating an icon.

Claim 1 has been amended to recite a method including the limitations of “upon receipt of the user selection criteria identifying one of the plurality of evaluation feedback options, initiating execution of the displayed command option and recording an evaluation rating associated with the identified one of the plurality of evaluation feedback options, *and initiating modification of a counter value associated with the selected evaluation feedback option*” (Claim 1, lines 9-13; *emphasis added*). Claims 12, 16-17, 24, and 26 has been also amended to recite similar limitations (Claim 12, lines 13-17; claim 16, lines 10-14; claim 17, lines 9-13; claim 24, lines 9-13; and claim 26, lines 9-13). Claims 3, 14 and 19 have been canceled, without prejudice.

In setting forth the rejection of claim 3, the Examiner alleges that Sass describes collecting (counting) the feedback data for several users. Applicant respectfully disagrees with the Examiner’s interpretation of Sass which specifically states:

"In the present embodiment, the server receives feedback from many users regarding their likes and dislikes and stores this data. Later this data can be used to give radio stations feedback regarding their programming;..."

(Sass, col. 9, lines 30-33)

Nowhere does Sass ever teach, disclose or suggest the use of counters. Nor does Sass teach that the provided data is somehow cross-referenced or counted, as alleged. Also, it is appropriate for the Examiner argue that such teaching is implied. Applicant's claim language is clear. Each of the independent claims now recite *initiating modification of a counter value associated with the selected evaluation feedback option*. Here the Examiner has not cited a specific mechanisms in Sass on which he is relying to teach the limitations now recited in the claims. Further, the disclosure within the Sass must be enabling to establish a *prima facie* case of obviousness.

Accordingly, Applicant respectfully traverses the examiner's rejection on the grounds that the Examiner has failed to create a *prima facie* case of obviousness, which requires 1) the prior art reference (or references when combined) must teach or suggest *all* of the claim limitations; and 2) there must be some suggestion or motivation to modify a reference or combine references.

Applicant believes the claims are in allowable condition. A notice of allowance for this application is solicited earnestly. If the Examiner has any further questions regarding this amendment, he/she is invited to call Applicant's attorney at the number listed below. The Examiner is hereby authorized to charge any fees or credit any balances under 37 CFR §1.17, and 1.16 to Deposit Account No. DA-12-2158.

Respectfully submitted,

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